

441—158.1(237) Payments from the foster home insurance fund.

158.1(1) *Eligible foster family claims.* The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13, subsections 3 and 4:

a. Valid and approved claims of family foster care children, their parents, guardians or guardians ad litem.

b. Compensation to licensed foster families for property damage, at replacement cost, or for bodily injury, as a result of the activities of the family foster care child.

c. Reasonable and necessary legal fees incurred by licensed foster families in defense of civil claims filed pursuant to Iowa Code section 237.13, subsection 7, paragraph “d,” and any judgments awarded as a result of these claims. The reasonableness and necessity of legal fees shall be determined by the department or its contract agent.

158.1(2) *Eligible guardian and conservator claims.* The foster home insurance fund shall pay the reasonable and necessary legal costs incurred by a guardian or conservator in defending against a suit filed by an eligible ward or the ward’s representative and the damages awarded as a result of the suit within the limits defined in Iowa Code section 237.13, subsection 5. The reasonableness and necessity of legal fees shall be determined by the department or its contract agent. To be eligible a ward must meet the following conditions:

a. The ward’s income at the time covered by the suit determined in accordance with 441—subrule 130.3(3) must not exceed \$920.

b. The ward’s resources shall be treated in accordance with Supplemental Security Income policies except that one residence which shall be the homestead if exempt under SSI and one vehicle shall be excluded. Resources shall not exceed \$2,000.